

Notice of Allowability

Application No.

09/919,944

Examiner

Brian R. Gordon

Applicant(s)

BRAUN ET AL.

Art Unit

1743

e10

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8-02-01.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ The drawings filed on 8-2-01 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8-2-01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald Studebaker on March 4, 2004.

The application has been amended as follows:

In the claims:

In claim 1, line 7; insert a space in the word "electronicsto", so as to read, "to the control electronics to allow actuation".

In claim 1, last line; change the word "actuation" to --actuations--;

In claim 6, change the dependency from "claim 5" to --claim 1--;

In claim 12, line 2, delete the word "that" and insert --than--;

In claim 13, last line; insert the word --applied-- after the word "factor", so as to read "correction factor applied to".

Allowable Subject Matter

2. Claims 1-26 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach nor fairly suggest a device for conveying a liquid including at least one of dispensing and aspirating the liquid comprising: a controlling device adapted to convey the liquid, a motor drive for operating the controlling device; control

electronics for controlling the motor drive and for setting at least one process interval (tp) for a plurality of process steps to be carried out in succession; a manually actuatable actuating element connected to the control electronics to allow actuation of the control electronics to convey the liquid, and a programming element for programming the control electronics to adjust control of the motor drive to thereby adjust the quantity of liquid conveyed upon actuation of the actuating element; wherein a first type of actuation of the actuating element manually triggers an individual process step, and second type of actuation of the actuating element automatically causes automatic repeated successive triggering of process steps, each in the process interval (tp); and wherein the process interval (tp) is determined by the control electronics by analyzing at least one interval occurring between manual actuations of the actuating element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watson et al., Pelc et al., Rainin et al. (,547 ; ,841 ; ,832 ; and ,467) Nabity et al., Magnussen, Jr. et al., Reich et al., Moran (,895 and, 279), Woolner, Natelson, and Porter disclose electric and automated dispense systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

brg


Jill Warden
Supervisory Patent Examiner
Technology Center 1700